

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

CHRISTOPHER C. LUKE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:14cv240 DPJ-FKB

**NESHOBA COUNTY, MISSISSIPPI;
SHERIFF TOMMY G. WADDELL, Individually and in
His Official Capacity; JIMMY REID, NESHOBA COUNTY
JAIL ADMINISTRATOR, Individually and in His Official
Capacity; NICK WALKER, JAILER, Individually and in His
Official Capacity; HARVEY HICKMAN, JAILER, Individually
and in His Official Capacity; BILLY GUESS, JAILER,
Individually and in His Official Capacity; JOSH BURT, DEPUTY,
Individually and in His Official Capacity; KEN SPEARS, CONSTABLE
Individually and in His Official Capacity; ANGEL CROCKETT,
CORRECTIONS SUPERVISOR, Individually and in
Her Official Capacity; and JOHN AND JANE DOES 1-6**

DEFENDANTS

**PLAINTIFF'S RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, the Plaintiff, Christopher C. Luke, by and through undersigned counsel, pursuant to Fed.R.Civ.P. 56, and files his Response to Defendants' Motion for Summary Judgment and would show unto the Court the following, to-wit:

1. This case involves law enforcement brutality, failure to treat, failure to protect, and violation of due process claims against Neshoba County and individual law enforcement officers in their official and individual capacities pursuant to Section 1983 and the Mississippi Tort Claims Act.

2. In support of the Plaintiff's Response to Defendants' Motion for Summary Judgment, Plaintiff offers the following materials which are incorporated herein and in the Plaintiff's Memorandum of Law by reference:

- (1) Exhibit “A” Policy and Procedure Hand Book
- (2) Exhibit “B” Incident Reports
- (3) Exhibit “C” February 6, 2015 Report of Rick Van Egmond
- (4) Exhibit “D” March 8, 2015 Report of Rick Van Egmond
- (5) Exhibit “E” May 12, 2015 Report of Rick Van Egmond
- (6) Exhibit “F” Affidavit of Rick Van Egmond
- (7) Exhibit “G” Neshoba General Hospital Records
- (8) Exhibit “H” Anderson Regional Medical Center Records
- (9) Exhibit “I” Dr. Mickey Wallace Medical Records
- (10) Exhibit “J” Deposition of Dr. Mickey Wallace
- (11) Exhibit “K” Dr. Jim House Letter
- (12) Exhibit “L” Deposition of Nick Walker
- (13) Exhibit “M” Deposition of Harvey Hickman
- (14) Exhibit “N” Deposition of Billy Guess
- (15) Exhibit “O” Deposition of Jimmy Reid
- (16) Exhibit “P” Deposition of Tommy Waddell
- (17) Exhibit “Q” Deposition of Angel Crockett
- (18) Exhibit “R” Deposition of Ken Spears
- (19) Exhibit “S” Deposition of Josh Burt
- (20) Exhibit “T” Deposition of Sonya Rainey

3. Summary judgment as to any of Defendants’ claims is clearly inappropriate and the case should be submitted to a jury.

4. Plaintiff respectfully requests that the Court award attorney's fees in connection with defending the Motion for Summary Judgment pursuant to F.R.C.P. 56.

WHEREFORE, Plaintiff respectfully requests that the Court deny the Defendants' Motion for Summary Judgment and allow this case to be decided by trial by jury and grant attorney's fees in connection with defending the Motion for Summary Judgment.

RESPECTFULLY SUBMITTED, this the 17th day of June, 2015.

CHRISTOPHER C. LUKE, PLAINTIFF

BY: S/ Robert O. Waller
ROBERT O. WALLER (MSB #6912)

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Robert O. Waller, the undersigned counsel of record for the Plaintiff, hereby certify that on June 17, 2015, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Roy A. Smith, Esq.
Steven J. Griffin, Esq.
Daniel, Coker, Horton & Bell, P.A.
Post Office Box 1084
Jackson, Mississippi 39215-1084

SO CERTIFIED, this the 17th day of June, 2015.

s/ Robert O. Waller
ROBERT O. WALLER